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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/665,747      | 09/19/2003  | Arnold J. Gum        | 030158              | 6972             |

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| EXAMINER |
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DOAN, PHUOC HUU

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| ART UNIT | PAPER NUMBER |
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2687

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                           |  |
|------------------------------|-------------------------------|---------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/665,747 | Applicant(s)<br>GUM ET AL |  |
|                              | Examiner<br>PHUOC H. DOAN     | Art Unit<br>2687          |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-49 have been considered but are moot in view of the new ground(s) of rejection. The prior art have been withdrawn based on the Applicant's remarks on pages 2-3 filed on 12/13/2005.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **1-13, 15-18, 20-26, and 28-49** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Forrester (US Pub No: 2003/0134646)** in view of **Blight (US Pub No: 2002/0184418)**.

As to claim **1, 29, 40**, Forrester discloses a position determination system comprising (Fig. 1): a wireless computer network transceiver configured to communicate with a network wireless access point (col. 1 through col. 2, par. [0015-0016]), the transceiver receiving data from the access point (col. 2, par. [0017]); a position determining entity to determine the position of the mobile

communication device based on the data received from the access point (col. 2, par. [0022]); and a display to display data based on the determined position (col. 2, par. [0021-0022]). However, Forrester discloses in col. 2, par. [0016] “While system 100 in general most resembles a WLANs to access Wireless Access Point”.

In the same invention, Blight discloses a mobile device communicated directly to Wireless Access Point (Fig. 1, col. 2, par. [0033]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the WLAN in wireless communication as taught by Blight to the system of Forrester in order to addition a bandwidth of WLAN in reduced the traffic of GPS networks.

**As to claim 2, 30**, Forrester further discloses the system of claim 1 wherein the wireless computer network transceiver and the display are incorporated into a portable device and the position determining entity is located remote from the portable device (col. 2, par. [0022]).

**As to claim 3, 23, 31, 41**, Blight further discloses the system of claim 1 wherein the wireless computer network transceiver is configured for operation in accordance with IEEE 802.11 wireless network standards (col. 2, par. [0035]).

As to claim 4, 24, 32, 42, Forrester further discloses the system of claim 1 wherein the displayed data based on the determined position is position information (col. 2,

par. [0022], col. 3, par. [0025-0027]).

**As to claim 5**, Blight further discloses the system of claim 4 wherein the position information is an address (col. 3, par. [0083] **“include a graphics map that is the data structure which contains the visual information about an area”**, and col. 5, par. [0119]).

**As to claim 6**, Blight further discloses the system of claim 1 wherein position data related to a position of the wireless access point is stored in a management information base as part of the wireless access point, the displayed data **“col. 2, par. [0031] display 114”** based on the determined position being the position data of the wireless access point (col. 2, par. [0034], col. 3, par. [0083]).

**As to claim 7**, Blight further discloses the system of claim 6 wherein the position data is location data or an address of the wireless access point (col. 5, par. [0119]).

**As to claim 8**, Blight further discloses the system of claim 6 wherein the position data further comprises a predicted range of the wireless access point (col. 5, par. [0118], [0142]).

**As to claim 9**, Forrester further discloses the system of claim 1 wherein position data related to a position of the wireless access point is determined by a remote position determining entity (col. 2, par. [0022]), the displayed data based on the determined position being position data of the wireless access point as determined

by the remote position determining entity (col. 2, par. [0022-0024]).

<sup>25, 33, 43</sup>  
As to claim 10, Forrester further discloses the system of claim 1 wherein the displayed data based on the determined position is non position information (col. 3, par. [0029-0030]).

As to claim 11, 34, 44, Forrester further discloses the system of claim 10 wherein the non position information is information related to a store located proximate the determined position of the mobile communication device (col. 4, par. [0039]).

As to claim 12, 26, 35, 45, Blight further discloses the system of claim 1 wherein the transceiver communicates a request to the wireless access point for non position information based on the determined position of the mobile communication device (col. 4, par. [0101-0106]).

As to claim 13, Blight further discloses the system of claim 12 wherein the non-position information is a merchant identification associated with the wireless access point (col. 2, par. [0035] “it sends a request to location server 270 accessible through communications network 220”).

<sup>36, 46</sup>  
As to claim 15, Forrester further discloses the system of claim 1, further comprising a global positioning system (GPS) receiver to receive data from a plurality of GPS satellites (col. 2, par. [0024]), the position determining entity using the data received from the GPS satellites to determine the position of the

mobile communication device (col. 2, par. [0020-0021]).

As to claim 16, 37, 47, Forrester further discloses the system of claim 15 wherein the position determining entity generates a **weighted combination “RF generated by weighted combination is inherently”** of the data received from the GPS satellites and data from the wireless access point to determine the position of the mobile communication device (col. 2, par. [0020-0021]).

As to claim 17, 38, 48, Forrester further discloses the system of claim 1, further comprising a wireless telephone receiver to receive communication signals from a base transceiver station, the position determining entity using the communication signals from the base transceiver station to determine the position of the mobile communication device.

As to claim 18, 39, 49, Forrester further discloses the system of claim 17 wherein the position determining entity generates a weighted combination **“RF generated by weighted combination is inherently”** of the communication signals from the base transceiver station and data from the wireless access point to determine the position of the mobile communication device (col. 1 through col. 2, par. [0015-0019]).

<sup>28</sup>  
As to claim 20, Forrester discloses a position determination system comprising: a global positioning system (GPS) receiver **“Fig. 2”** to receive data from a plurality

of GPS satellites “**Fig. 1, item 104**” (col. 3, par. [0025]); a wireless telephone receiver to receive communication signals from a base transceiver station (col. 1, par. [0015]); a wireless computer network transceiver configured to communicate with a network wireless access point (col. 2, par. [0016-0018]), the transceiver receiving data from the access point (col. 2, par. [0016-0017]); and a position determining entity to determine the position of the mobile communication device based on the data received from the GPS satellites (col. 2, par. [0020-0024]), if available with an acceptable error range (col. 3, par. [0031-0032]), the communication signals from the base transceiver station, if available with an acceptable error range, and the data received from the network wireless access point (col. 3 through col. 4, par. [0033-0036]. However, Forrester discloses in col. 2, par. [0016] “While system 100 in general most resembles a WLANs to access Wireless Access Point”.

In the same invention, Blight discloses a mobile device communicated directly to Wireless Access Point (Fig. 1, col. 2, par. [0033]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the WLAN in wireless communication as taught by Blight to the system of Forrester in order to addition a bandwidth of WLAN in reduced the traffic of GPS networks.

**As to claim 21**, Forrester further discloses the system of claim 20 wherein the position determining entity generates a weighted combination of at least two position data sources comprising data received from the GPS satellites (col. 2, par. [0020]), the communication signals from the base transceiver station (col. 2, par. [0018]), and the data received from the network wireless access point (col. 2, par. [0016-0017]).

**As to claim 22**, Blight further discloses the system of claim 21 wherein the weighted combination of at least two position data sources is based on predicted accuracy of the position data sources (col. 4, par. [0091]).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Forrester in view of Blight as applied to claim 1 above, and further in view of **Pond (US Pub No: 2004/0030601)**.

**As to claim 14**, the combination of Forrester and Blight do not disclose wherein the transceiver communicates a request to the wireless access point for sales information or assistance in a store located proximate the determined position of the mobile communication device.

zzz discloses wherein the transceiver communicates a request to the wireless access point for sales information or assistance in a store located proximate the

determined position of the mobile communication device (col. 10, par. [0122]).

Therefore, it would have obvious to one of ordinary skill in the art at the time the invention was made to provide a store located proximate as taught by Pond to the system of Forrester and Blight in order to used proximity technology to authenticated a network base transaction.

4. Claim **19, 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Forrester in view of Blight as applied to claim 17 above, and further in view of **Gunnarsson (US Pub No: 2003/0118015)**.

**As to claim 19, 27**, the combination of Forrester and Blight do not disclose wherein the wireless telephone receiver is configured for code division multiple access (CDMA) operation and the communication signals from a base transceiver station are CDMA pilot signals.

zzz discloses wherein the wireless telephone receiver is configured for code division multiple access (CDMA) operation and the communication signals from a base transceiver station are CDMA pilot signals (col. 1, par. [0013]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a base transceiver station are CDMA as taught by Gunnarsson

to the system of Forrester and Blight in order to has an option to used WLAN and CDMA for wireless communication.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LESTER G. KINCAID can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc Doan  
01/30/06

  
**ELISEO RAMOS-FELICIANO**  
**PATENT EXAMINER**